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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,265	12/12/2001	Michael Wayne Brown	AUS920010820US1	1748
34533	7590	08/23/2005	EXAMINER	
INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			RIVERO, MINERVA	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/015,265	<b>Applicant(s)</b> BROWN ET AL.	
	<b>Examiner</b> Minerva Rivero	<b>Art Unit</b> 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41 and 42 is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☒ Claim(s) 6, 17 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In the Remarks filed 5/13/05, in response to the Office Action mailed 2/17/05, Applicants amended claims 6, 17 and 28, added claims 41 and 42, and submitted arguments for allowability of pending claims.

#### ***Response to Arguments***

2. Applicants' arguments filed 5/13/05 with respect to the first element of claim 1 (see Applicants' Remarks, Page 17, Lines 10-13) have been fully considered but they are not persuasive.

Regarding claim 1, Applicants argue that Maier *et al.* do not disclose detecting a call extended to a destination device, extension of a request from a destination device to an origin device and a voice utterance.

The examiner cannot concur with the Applicants. Maier *et al.* clearly disclose

detecting a call extended to a destination device (*telephone call is received by monitoring personnel*, Col. 1, Lines 42-44), detecting a call is necessary in order for it to be received;

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extending a request from said destination device to an origin device (a *computerized tracking system* (destination device) ***prompts the calling party to respond to an inquiry***, Col. 2, Lines 22-37);

and a voice utterance (*an individual places a telephone call into the electronic tracking system and voice verification technology is used to verify the caller*, Col. 2, Lines 45-60). Maier *et al.* explicitly disclose a voice verification and identification system (Col. 4, Lines 21-23), and furthermore disclose an example embodiment wherein samples of speech uttered by the subject are captured and utilized for verification of the subject's identity (Col. 5, Lines 47-54).

Therefore the aforementioned element of claim 1 stays rejected.

It is noted that applicant did not challenge the assertion of Official Notice regarding claims 7-10 and 18-21 in the last Office Action, therefore these facts are now applicant's admitted prior art.

3. Applicant's arguments with respect to claims 1-5, 7-16, 18-40 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Allowable Subject Matter***

4. Claims 41 and 42 are allowed.

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5. Claims 6, 17 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 6, 17 and 28, the combined teachings of Maier *et al.*, Shostak and Lung *et al.* suggest the element for and step of sending a caller identity back to an intermediary device processing said call, wherein said intermediary device is enabled to forward said caller identity to an origin device utilized by said caller (Lung *et al.* (US 2002/0064264), *telephone servers forward caller identification*, [0002], Lines 2-4).

However, the combined teachings of Maier *et al.*, Shostak and Lung *et al.* do not disclose receiving verification of said caller identity from said origin device.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-2, 4, 11, 12-13, 15, 22, 23-24, 26, 29-30, 32-35, 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maier *et al.* (US Patent 6,463,127), in view of Shostak (US Patent 6,901,255).

8. Regarding claims 1-2, 12-13, 23-24, 29-30, 34-35 and 39-40, Maier *et al.* disclose a method, system and computer program product for identifying a particular caller comprising the steps and elements for:

responsive to detecting a call extended to a destination device, extending a request from said destination device to an origin device requesting a voice utterance of the caller utilizing said origin device (Col. 1, Lines 42-43; Col. 2, Lines 34-37; *prompting the participant to repeat two paired numbers*, Col. 5, Lines 48-50);

detecting a voice utterance of a caller at a destination device receiving a call (*an individual places a telephone call into the electronic tracking system and voice verification technology is used to verify the caller*, Col. 2, Lines 45-60; *exemplary embodiment*, Col. 5, Lines 47-54);

comparing said voice utterance with at least one voice imprint stored at said destination device (*matching with speech patterns stored in database*, Col. 5, Lines 50-54; Col. 11, Lines 24-28; Fig. 3; Fig. 5);

authenticating an identity of said caller from said voice utterance at said destination device (*an individual places a telephone call into the electronic tracking system (destination device) and voice verification technology is used to verify the caller*, Col. 2, Lines 45-60; *exemplary embodiment*, Col. 5, Lines 47-54;

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Col. 4, Lines 21-23 [Capturing and analyzing speech uttered by a subject is an inherent step in a voice verification and identification system]); and

identifying, at said destination device, a caller identity associated with said voice utterance (*voice verification*, Col. 5, Lines 50-54) and

However, Maier *et al.* do not explicitly disclose but Shostak does disclose enabling output of said authentication identity from said destination device, such that a callee accessing said destination device is informed of an identity of said caller (*caller is identified and the callee is prompted with the name of the caller*, Col. 20, Lines 41-52).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to modify the teachings of Maier *et al.* with having a callee receiving said call at said destination device informed of said caller identity before speaking with said caller, as taught by Shostak, in order to allow the callee to accept or reject the call based on the caller's identity.

9. Regarding claims 4, 15 and 26, Maier *et al.* disclose

extracting voice characteristics from said voice utterance (*speech patterns*, Col. 5, Lines 50-54); and

comparing said speech characteristics with a plurality of voice samples stored for identifying a plurality of callers (*matching speech patterns*, Col. 5, Lines 50-54).

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10. Regarding claims 11 and 22, Maier *et al.* further disclose said caller identity comprises at least one from among a caller name, a caller location, a subject of said call, and a device identification (*authenticating caller's identity and calling location*, Col. 1, Lines 42-43).

11. Regarding claims 32 and 37, Maier *et al.* disclose said output comprises displayable output to a graphical user interface (Col. 2, Lines 41-45; Col. 3, Lines 35-36 and 44-46; Fig. 12; Fig. 15).

12. Regarding claims 33 and 38, Maier *et al.* further disclose said output comprises audio output via a speaker (Col. 5, Lines 10-11).

13. Claims 7-10 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maier *et al.* (US Patent 6,463,127), in view of Shostak (US Patent 6,901,255), and further in view of Applicant's admitted prior art..

Regarding claims 7-10 and 18-21, the combined teachings of Maier *et al.* and Shostak do not explicitly disclose said destination device be one of a call center, private exchange network, telephony device or a client side server system.

However, Applicant's admitted prior art discloses that it is a well-known



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and common practice in the art to have said destination device be one of a call center, private exchange network, telephony device or a client side server system.

Therefore it would have been obvious to one ordinarily skilled in the art to have said destination device be one of a call center, private exchange network, telephony device or a client side server system, since these are some of the standard options available for telecommunications, and in order for the method and system to be user-friendly it must be compatible with these options.

14. Claims 3, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maier *et al.* (US Patent 6,463,127), in view of Shostak, as applied to claims 1, 12 and 23 above, further in view of Hunt *et al.* (US Patent 6,480,599).

The combined teachings of Maier *et al.* and Chow *et al.* do not disclose but Hunt *et al.* do disclose prompting said caller to enter an additional input to verify said caller identity (Col. 5, Lines 14-22).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Maier *et al.* and Chow *et al.* with having the caller enter an additional input to verify said caller identity so as to provide a voice identification result with a higher confidence.

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15. Claims 5, 16, 27, 31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maier *et al.* (US Patent 6,463,127), in view of Shostak (US Patent 6,901,255), as applied to claims 1, 12, 23, 29 and 34 above, further in view of Rogers *et al.* (US Patent 6,785,379).

The combined teachings of Maier *et al.* and Shostak do not explicitly disclose but Rogers *et al.* disclose

transmitting said voice utterance to a third party device via a network (*call management system*, Col. 1, Line 49; *information is passed to management computer for voice recognition*, Col. 11, Lines 43-50; *calling party identifies himself by speaking his/her name with subsequent voice recognition*, Col. 23, Lines 42-44, 48-49 and 57-58); and

receiving said caller identity from said third party device (*called party is notified of caller's identity*, Col. 1, Lines 57-59).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Maier *et al.* with transmitting said voice utterance to a third party device via a network and receiving said caller identity from said third party device, as disclosed by Rogers *et al.* in order to provide caller identification services to the called party, since the destination device may not have the necessary processing power for caller identification based on voice recognition, and to effectively notify the called party of the calling party's identity and thus aid in the called party's decision to answer or ignore the incoming call.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morganstein *et al.* (US Patent 6,456,698) disclose a method and system of identifying an unknown caller by matching voice uttered by a caller with speech patterns stored in an utterance database.

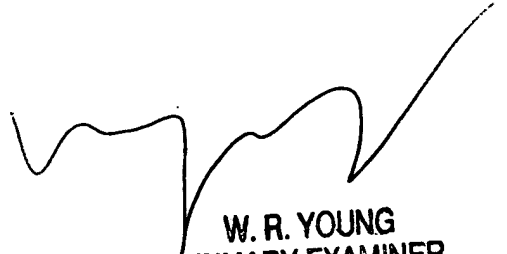
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (571) 272-7628. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 8/16/05



W. R. YOUNG  
PRIMARY EXAMINER